

AMENDED IN ASSEMBLY JULY 16, 2003

AMENDED IN SENATE MAY 12, 2003

**SENATE BILL**

**No. 464**

**Introduced by Senator Murray**

February 20, 2003

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An act to ~~amend Section 56341 of~~ *add Section 56341.2 to the* Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 464, as amended, Murray. Special education: individualized education program *meetings*: group home *representative*.

Existing law requires a school district, special education local plan area, or county office of education to conduct meetings, through an individualized education program team, as specified, for the purposes of developing, reviewing, and revising the individualized education program of an individual with exceptional needs. Existing law also provides for the placement in foster care of minors who are declared dependent children of the court or wards of the court by a juvenile court.

This bill would require a school district, special education local plan area, or county office of education to ~~also~~ invite to the individualized education program team meetings a representative of the group home in those cases in which a pupil with exceptional needs has been placed in a group home by a juvenile court, as specified. To the extent local educational agencies would be required to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that

reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. — Section 56341 of the Education Code is~~  
2     ~~SECTION 1. Section 56341.2 is added to the Education Code,~~  
3     ~~to read:~~  
4     ~~56341.2. (a) In the case of a pupil with exceptional needs~~  
5     ~~who has been placed in a group home, as defined in subdivision (g)~~  
6     ~~of Section 80001 of Title 22 of the California Code of Regulations,~~  
7     ~~by the juvenile court pursuant to Section 300, 601, or 602 of the~~  
8     ~~Welfare and Institutions Code, the district, special education local~~  
9     ~~plan area, or county office shall invite to the individualized~~  
10    ~~education program team meetings a representative of the group~~  
11    ~~home.~~  
12    ~~(b) This section shall not be construed to delay the~~  
13    ~~individualized education program process or to change the~~  
14    ~~individualized education program team requirements of~~  
15    ~~subdivision (b) of Section 56341.~~  
16    ~~amended to read:~~  
17    ~~56341. — (a) Each meeting to develop, review, or revise the~~  
18    ~~individualized education program of an individual with~~  
19    ~~exceptional needs shall be conducted by an individualized~~  
20    ~~education program team.~~  
21    ~~(b) The individualized education program team shall include~~  
22    ~~all of the following:~~  
23    ~~(1) One or both of the pupil's parents, a representative selected~~  
24    ~~by a parent, or both, in accordance with the Individuals with~~  
25    ~~Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).~~  
26    ~~(2) At least one regular education teacher of the pupil, if the~~  
27    ~~pupil is, or may be, participating in the regular education~~

1 ~~environment. If more than one regular education teacher is~~  
2 ~~providing instructional services to the individual with exceptional~~  
3 ~~needs, one regular education teacher may be designated by the~~  
4 ~~district, special education local plan area, or county office to~~  
5 ~~represent the others.~~

6 ~~The regular education teacher of an individual with exceptional~~  
7 ~~needs shall, to the extent appropriate, participate in the~~  
8 ~~development, review, and revision of the pupil's individualized~~  
9 ~~education program, including assisting in the determination of~~  
10 ~~appropriate positive behavioral interventions and strategies for the~~  
11 ~~pupil and supplementary aids and services, and program~~  
12 ~~modifications or supports for school personnel that will be~~  
13 ~~provided for the pupil, consistent with paragraph (3) of subsection~~  
14 ~~(a) of Section 300.347 of Title 34 of the Code of Federal~~  
15 ~~Regulations.~~

16 ~~(3) At least one special education teacher of the pupil, or if~~  
17 ~~appropriate, at least one special education provider of the pupil.~~

18 ~~(4) A representative of the district, special education local plan~~  
19 ~~area, or county office who meets all of the following:~~

20 ~~(A) Is qualified to provide, or supervise the provision of,~~  
21 ~~specially designed instruction to meet the unique needs of~~  
22 ~~individuals with exceptional needs.~~

23 ~~(B) Is knowledgeable about the general curriculum.~~

24 ~~(C) Is knowledgeable about the availability of resources of the~~  
25 ~~local educational agency.~~

26 ~~(5) An individual who conducted an assessment of the pupil or~~  
27 ~~who is knowledgeable about the assessment procedures used to~~  
28 ~~assess the pupil, and is familiar with the assessment results or~~  
29 ~~recommendations. The individual shall be qualified to interpret~~  
30 ~~the instructional implications of the assessment results. The~~  
31 ~~individual may be a member of the team described in paragraphs~~  
32 ~~(2) to (6), inclusive.~~

33 ~~(6) At the discretion of the parent, guardian, or the district,~~  
34 ~~special education local plan area, or county office, other~~  
35 ~~individuals who have knowledge or special expertise regarding the~~  
36 ~~pupil, including related services personnel, as appropriate. The~~  
37 ~~determination of whether the individual has knowledge or special~~  
38 ~~expertise regarding the pupil shall be made by the party who~~  
39 ~~invites the individual to be a member of the individualized~~  
40 ~~education program team.~~

~~(7) Whenever appropriate, the individual with exceptional needs.~~

~~(c) For a pupil suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech language pathologist, or remedial reading teacher. At least one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child who is less than schoolage or out of school, a team member shall observe the child in an environment appropriate for a child of that age.~~

~~(d) (1) In the case of transition services, the district, special education local plan area, or county office shall invite an individual with exceptional needs of any age to attend his or her individualized education program meeting if a purpose of the meeting will be the consideration of either, or both, of the following:~~

~~(A) The individual's transition service needs under subdivision (a) of Section 56345.1.~~

~~(B) The needed transition services for the individual under subdivision (b) of Section 56345.1.~~

~~(2) If the individual with exceptional needs does not attend the individualized education program meeting, the district, special education local plan area, or county office shall take steps to ensure that the individual's preferences and interests are considered.~~

~~(3) When implementing the requirements of subdivision (b) of Section 56345.1, the district, special education local plan area, or county office also shall invite to the individualized education program team meetings a representative that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the district, special education local plan area, or county office shall take other steps to obtain participation of the other agency in the planning of any transition services.~~

~~(e) A district, special education local plan area, or county office may designate another local educational agency member of the individualized education program team to serve also as the representative required pursuant to paragraph (4) of subdivision~~

1 ~~(b) if the requirements of subparagraphs (A), (B), and (C) of~~  
2 ~~paragraph (4) of subdivision (b) are met.~~

3 ~~(f) In the case of a pupil with exceptional needs who has been~~  
4 ~~placed in a group home, as defined in subdivision (g) of Section~~  
5 ~~80001 of Title 22 of the California Code of Regulations, by the~~  
6 ~~juvenile court pursuant to Section 300, 601, or 602 of the Welfare~~  
7 ~~and Institutions Code, the district, special education local plan~~  
8 ~~area, or county office shall also invite to the individualized~~  
9 ~~education program team meetings a representative of the group~~  
10 ~~home.~~

11 SEC. 2. Notwithstanding Section 17610 of the Government  
12 Code, if the Commission on State Mandates determines that this  
13 act contains costs mandated by the state, reimbursement to local  
14 agencies and school districts for those costs shall be made pursuant  
15 to Part 7 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code. If the statewide cost of the claim for  
17 reimbursement does not exceed one million dollars (\$1,000,000),  
18 reimbursement shall be made from the State Mandates Claims  
19 Fund.

